

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. Claims 12 – 21 have been cancelled to narrow the issues presented for consideration. Such cancellation is not to be interpreted as agreement with the rejections recited in the Office Action.

Claims 1 – 11 have been rejected under 35 USC 103 as being unpatentable over McCanne et al., US 6,415,323, in view of Shanumgam et al., US 6,708,187. However, as further explained below, this combination of teachings (even if proper) does not yield the methods presently being claimed. Accordingly, the rejections should be removed.

In rejecting claims under 35 USC §103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See, *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993). A prima facie case of obviousness is established by presenting evidence that the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the references before him to make the proposed combination or other modification. See *In re Lintner*, 458 F.2d 1013, 1016 (CCPA 1972). Furthermore, the conclusion that the claimed subject matter is prima facie obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Rejections based on Section 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967) cert. denied, 389 U.S. 1057 (1968). Indeed, the U.S. Court of Appeals for the Federal Circuit has repeatedly cautioned against employing hindsight by using the applicant's disclosure as a blueprint to reconstruct the claimed invention from the isolated teachings of the prior art. See, e.g., *Grain Processing Corp. v. American Maize-Prods. Co.*, 840 F.2d 902, 907 (Fed. Cir. 1988).

When determining obviousness, “the [E]xaminer can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Lee*, 277 F.3d 1338, 1343 (Fed. Cir. 2002) citing *In re Fritch*, 972 F.2d 1260, 1265 (Fed. Cir. 1992). **“Broad conclusory statements regarding the teachings of multiple references, standing alone, are not evidence.”** *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999) (emphasis added).

Turning first to claim 1 of the present application, the Office Action states that many of the features of claim are to be found in the McCanne reference, but that the feature of “client authorization” is not so taught. To make up for this deficiency, the Office Action cites Shanumgam and then asserts “it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCanne with Shanumgam because it would provide the trusted computing based concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing. This broad statement of what would be “obvious” to one of ordinary skill in the art is precisely the kind of rationale for rejecting claims of a pending application that the Federal Circuit has repeatedly held is impermissible. Simply stating, as in the present Office Action, that since reference 1 teaches “A” and reference 2 teaches “B” it would therefore be obvious to combine them to arrive at the claimed invention does not meet the USPTO’s burden of establishing a prima facie case of obviousness. If anything it tends to suggest that impermissible hindsight reconstruction has been used to decompose the invention into various constituent parts, locate those parts in various teachings, and then use the specification as a blueprint for assembling the invention out of those teachings. This is improper and, consequently, the rejections should be removed.

Moreover, even if one does combine the teachings of McCanne and Shanumgam, the resulting combination still would not provide the invention recited in claim 1 of the present application. McCanne describes a redirection system in which packets are routed from a client to a service node based on topological locality. McCanne at col. 5, ll. 21 – 25. When the service

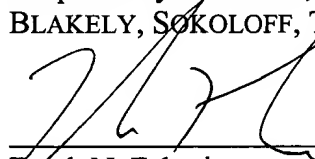
node to which a client request is made does not have a copy of the requested content, additional information in the URL is used to identify the particular location for the content in question. McCanne at col. 9, ll. 52 – 54. Shanumgam, on the other hand, describes a LDAP database synchronization scheme in which user domain information is used to authenticate a user for access to a network resource. Shanumgam at col. 5, ll. 46 – 58. If such an authentication policy were adopted in the redirection scheme described by McCanne, one of ordinary skill in the art would be led to believe that user domain information (and not any URL information) should be used to authenticate clients as part of a content request. URL information on the other hand would be used to determine which content server to retrieve the requested content from, as taught by McCanne.

In contrast, claim 1 of the present application specifically recites the use of “information included in a uniform resource locator (URL)” to determine whether the client is authorized to receive the requested content. This is markedly different from the scheme that results from a combination of McCanne and Shanumgam and is yet another reason why the rejection of claim 1 should be removed.

Claims 2 – 11 depend from claim 1 and are patentable over McCanne and Shanumgam for at least the same reasons as set forth above.

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Respectfully submitted,
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